

FILED

DEC 28 2020

1 U.S. DISTRICT COURT
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Clerk, U.S. District Court
Texas Eastern

4 EASTERN DISTRICT OF TEXAS
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7 Mr. Michael Moates
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Case No.: 4:20-cv-00896

10 Plaintiff,
11 v.
12

Judge: Kimberly Priest Johnson

13 Facebook Inc.
14

Date Action filed:
Date set for trial:

15 Defendant
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18 **Notice of Compliance with FRCP Rule 5.1 and Notice of Constitutional Challenge of**

19 **Statute**

20 1. Rule 5.1 states “A party that files a pleading, written motion, or other paper drawing
21 into question the constitutionality of a federal or state statute must promptly:

22 (1) file a notice of constitutional question stating the question and identifying the paper
23 that raises it, if:

24 (A) a federal statute is questioned and the parties do not include the United States, one of
25 its agencies, or one of its officers or employees in an official capacity; or

26 (B) a state statute is questioned and the parties do not include the state, one of its
27 agencies, or one of its officers or employees in an official capacity; and

28 (2) serve the notice and paper on the Attorney General of the United States if a federal
29 statute is questioned—or on the state attorney general if a state statute is questioned—either by
30 certified or registered mail or by sending it to an electronic address designated by the attorney
31 general for this purpose.”

1 2. In accordance with the rule, the Plaintiff hereby notifies the court that he served upon
2 the United States Attorney General a copy of the 2nd Amended Complaint and Summons via
3 electronic address.

4 3. The Plaintiff believe this letter satisfies their substantive obligations under Rule 5.1(a)
5 (1)(B) and (a)(2). However, the Plaintiff file this Notice to clarify that through this action, and as
6 reflected in their Complaint, Plaintiffs are challenging the constitutionality of the
7 Communications Decency Act because it is too vague, removes due process under the Fifth and
8 Fourteenth Amendments, and allows the government to violate the First Amendment.

9 4. The law defines Interactive Computer Service as “The term “interactive computer
10 service” means **any** information service, system, or access software provider that provides or
11 enables computer access by multiple users to a computer server, including specifically a service
12 or system that provides access to the Internet and such systems operated or services offered by
13 libraries or educational institutions.” The word any means that this would apply to the
14 government. However, the constitution requires that the government no censor speech and it also
15 requires the government to give its citizens due process. This law seeks to overrule the
16 constitutional rights and is unlawful.



20 21 22 23 24 25 26 27 28
/s/ Michael Moates

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2700 Colorado Boulevard #1526

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Denton, TX 76201

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1 EXHIBIT A
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3 In some instances the volume of communication on a particular issue is such that we cannot respond to each message
4 individually. We would like you to know, however, that all incoming messages are forwarded to the appropriate organization
5 within the Department of Justice and you can be assured that your voices and views are being heard.

6 Name

7 Email Address

8 Please choose the general topic of your message: *

9 Your message to the Department of Justice *

10 1466 characters remaining

11 Mr. Attorney General,

12 My name is Michael Moates and I am the Plaintiff and the lawsuit Moates v Facebook. Under rule 5.1 of the Federal Rules
13 of Civil Procedure, I am hereby notifying you that it is my intention to challenge a statute based on the constitution. It is
14 my intention to challenge Section 230 of the Communications Decency Act. You can read an electron a copy of my
15 complaint here: https://drive.google.com/file/d/1JurexWRcmpwDj_FlV9_FCesqbQO1X9i/view?usp=sharing

16 Thank you,

17 Michael Moates
18 817-999-7534
19 4:20-cv-00896



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